

CONSERVATION COMMISSION MEETING MINUTES

JUNE 27, 2006

PRESENT: Shawn Costello, David Hurley, James Gage, Walter Moody, Jesse Amsel and George Nickerson

ABSENT: Glenn Eberly

STAFF

PRESENT: Rob Phillips, Town Planner & Reanna Goodreau, Recording Secretary

I. CALL TO ORDER:

Chairman Costello called the Ellington Conservation Commission meeting to order at 7:03 PM.

II. PUBLIC COMMENTS: NONE

III. UNFINISHED BUSINESS:

1. Review of the open space proposal for the Przybylski Subdivision located at 45 Crane Road, APN 069-001-0000 (4 lots, 64.35 acres)

Mark Peterson, Gardner & Peterson Associates, noted that they attended the commission meeting two months ago and reviewed the proposal. He stated that the property fronts on Crane and Abbott Roads and that they are proposing three new lots and one existing lot with the farm. The three new lots would be on the Abbott Road side. He stated that they are proposing to offer the fee in-lieu of open space (FILO) payment. He stated that the payments would be based on the appraisal of the 64 acre parcel, but would be divided among the three new lots (instead of including the existing lot, which won't be sold).

Rob Phillips stated that there was a discussion at the April meeting about providing open space instead of FILO. The commission discussed the values of the FILO and actual open space land. Charlie Schuab, property owner, stated that he wants to keep as much of his land as possible. He explained that he is only selling because he needs to pay bills. Chairman Costello suggested that the land be deeded to the town, but that he could continue to farm it. Commissioner Hurley noted the difficulty of purchasing land in this area of town and stated that it would be more valuable to take land than FILO.

MOVED (AMSEL), SECONDED (MOODY) AND FAILED (AYES: AMSEL, GAGE, MOODY; NAYS: COSTELLO, NICKERSON, HURLEY) TO RECOMMEND FEE IN-LIEU OF OPEN SPACE FOR THE PRZYBYLSKI SUBDIVISION TO THE PLANNING & ZONING COMMISSION.

The commission continued to discuss whether FILO or actual open space land was more important to obtain. Chairman Costello stated that the land is very important long term. He stated that they could lease the land back to Mr. Schaub for farming and then when his family decides not to farm anymore, the town can decide if there should be another use, such as a park.

MOVED (AMSEL), SECONDED (MOODY) AND FAILED (AYES: AMSEL, GAGE, MOODY; NAYS: COSTELLO, NICKERSON, HURLEY) TO RECOMMEND FEE IN-LIEU OF OPEN SPACE FOR THE PRZYBYLSKI SUBDIVISION TO THE PLANNING & ZONING COMMISSION.

Rob Phillips explained that if the commission doesn't come to a consensus that would be the report to the Planning & Zoning Commission (PZC) and the then PZC would make the decision without a concrete determination from the Conservation Commission.

Jim Przybylski, applicant, questioned why land wasn't taken for the 20 lot subdivision on Crane Road or for the Zimmerman/Abbott Woods subdivision. He stated that Mr. Schuab is a farmer and needs leeway to help continue his farming.

The commission explained the state law in regards to open space. They noted that the commission wasn't formed when Abbott Woods was approved and that the commission was divided on taking FILO or land for the Crane Road subdivision.

The commission requested that a plan be presented indicating the open space which would require access along Crane Road.

CONTINUED TO THE JULY 25, 2006 MEETING.

2. Discussion of the impacts of Routes 140 & 30 to Crystal Lake

Chairman Costello explained that he filed a complaint with the Department of Transportation (DOT) regarding the stormwater runoff issues associated with Routes 140 and 30.

Members of the Crystal Lake Association and residents that live around Crystal Lake noted their concerns with the stormwater runoff issues associated with state, town and private roads. Mark Mickiewicz, President of the Crystal Lake Association, asked why the recommendations in the lake study by Milone and MacBroom hadn't been implemented. Commissioner Moody stated that part of the issue of resolving this issue is the jurisdictional issues.

Chairman Costello thanked the residents for attending the meeting and requested that the return for the August meeting. He stated that he would ask representatives from the DOT and Department of Environmental Protection (DEP) present to discuss the issue. He noted that he would also invite the Board of Selectmen.

CONTINUED TO THE AUGUST 29, 2006 MEETING.

THE COMMISSION WENT OUT OF AGENDA ORDER TO ADDRESS ITEM #1 UNDER NEW BUSINESS.

IV. NEW BUSINESS:

1. Review of the open space proposal for the Middlefield Estates Subdivision located on 51 Middle Road, APN 043-007-0000 (10 lots, 16.77 acres)

Commissioner Hurley recused himself from discussion and voting.

Dana Steele, JR Russo & Associates, reviewed the proposal. He stated the 16.7 acre site is currently farmed and that the parcel abuts town-owned open space, which is a wetlands corridor. He noted that it is a 10 lot subdivision with 2 rear lots. There are 3 lots that are over 3 acres in order to allow for a horse. He stated that they are proposing to offer the fee in-lieu of open space (FILO) payment. Chairman Costello asked for the acreage of wetlands on the site and was told 0.03 acres.

Commissioner Gage stated that the Commission recently adopted their Plan of Conservation, and noted that nature corridors were important. He noted that it would abut the open space land from the "Ryan Drive" subdivision and the "T" parcel that the town owns. Mr. Steele stated that a connection would be all upland review area from the wetlands and that there would not be a linkage unless a bridge was constructed.

It was the consensus of the Commission that open space along the current town-owned land would be beneficial to create a nature linkage, create a buffer for the residential use and increase town-owned land. Tom Savage, developer, stated that passage through that area would be very difficult.

Jay Ussery, JR Russo & Associates stated that they proposed FILO based on an earlier experience with the commission for the Eagle Estates subdivision. They did not think the commission would want the land. The commissioners explained that they review each proposal separately and that the Eagle Estates property was almost all wetlands. Rob Phillips stated that JR Russo & Associates attended a developers meeting and staff noted that the commission might be interested in the land adjacent to town-owned land. Mr. Ussery asked if the commission would accept a conservation easement and partial FILO. Ms. Goodreau stated that they would do part open space land and part FILO, but they do not accept conservation easements. Mr. Savage offered paying the FILO upfront, instead of lot by lot as the statutes state.

The commission requested that they return with a plan showing proposed open space along the town-owned land. There was discussion about whether the detention basin should be included in the open space. Mr. Phillips suggested meeting again with staff to review the proposal.

CONTINUED TO THE JULY 25, 2006 MEETING.

THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER.

III. UNFINISHED BUSINESS:

3. Status of the Plan of Conservation

Peter Charter, Board of Selectmen Liaison, stated that the Board of Finance Chairman will not support the referendum for open space funding until the Conservation Commission's Open Space Plan (now known as the Plan of Conservation) is completed. Chairman Costello stated that the Commission adopted the plan at the last meeting.

THE CHAIRMAN REQUESTED THAT THIS ITEM BE REMOVED FROM THE AGENDA.

Peter Charter asked if the plan would be completed by August 8, 2006 and was told that it would be.

4. Disposition of funds when the Town sells land

Commissioner Gage asked if the money from the sale of the Porter Road properties would go to the Open Space Fund. Commissioner Hurley stated that it had to go to the fund.

Reanna Goodreau explained that she posed the commission's question to the Town Attorney. Ms. Goodreau read Attorney Ryan's email, which stated that earmarking funds is a policy decision for the Town. He noted that all boards and commissions need to agree to a policy and the recording of that policy, which could be a charter, ordinance or policy established by the Board of Selectmen and Board of Finance.

CONTINUED TO THE JULY 25, 2006 MEETING.

5. Development of deed restrictions and policies for town-owned open space and properties

Rob Phillips explained that East Granby has two stakeholders on deeds, such as the Town and a land trust. This ensures that if there are any changes, both parties have to agree on them.

The commission noted their interest in this method and suggested further research.

CONTINUED TO THE JULY 25, 2006 MEETING.

6. Development of parcel selection for the upcoming DEP grant

Chairman Costello asked if there were any additional properties to discuss. Commissioner Gage stated that applications are due in June, which wouldn't leave time to put together application.

THE CHAIRMAN REQUESTED THAT THIS ITEM BE REMOVED FROM THE AGENDA.

IV. NEW BUSINESS:

MOVED (HURLEY), SECONDED (COSTELLO) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA: DISCUSSION OF THE REFERENDUM FOR OPEN SPACE FUNDING.

Chairman Costello stated that the referendum for open space should only be earmarked for purchasing open space lands and should not include purchases for municipal uses, such as school or building parks.

The commission was concerned that it was being called a referendum for open space funding, but the money could be used for municipal projects.

MOVED (HURLEY), SECONDED (COSTELLO) AND PASSED UNANIMOUSLY TO MAKE THE FOLLOWING STATEMENT REGARDING THE REFERENDUM FOR FUNDING FOR OPEN SPACE: THE CONSERVATION COMMISSION SUPPORTS THE PASSAGE OF A REFERENDUM OR APPROPRIATION FOR FUNDING DEDICATED SOLELY FOR THE ACQUISITION OF OPEN SPACE LAND INCLUDING FARMLAND PRESERVATION AND PARKS. THE COMMISSION IS OPPOSED TO ANY REFERENDUM OR AUTHORIZATION OF FUNDS THAT COMBINES THE PURPOSE OF THE FUNDING FOR BOTH ACQUIRING OPEN SPACE LAND AND/OR LAND FOR TOWN FACILITIES, SUCH AS SCHOOLS, PUBLIC WORKS OR SAFETY FACILITIES.

Peter Charter, BOS Liaison, recommended that the commission request \$4 million instead of \$2 million to allow for funding of both open space and municipal land purchases. He noted that he wouldn't vote for the funding unless the two were combined.

The members of the commission expressed their concern with trying to fund both because there were no "checks and balances" to see that an equal amount of funding were put for both purposes or even that any would go to open space.

2. Request from the Willimantic River Alliance to the Ellington Conservation Commission to develop the Ellington section of the Willimantic River Greenway Trail.

Reanna Goodreau explained that the Board of Selectmen gave their support in order to allow the Willimantic River Alliance to have the river area designated as a greenway so that they could receive grants through the DEP. She noted that the Conservation Commission stated that they supported the greenway, but noted that they do not have funds to move forward. The Commission would include the greenway in their Open Space Plan (now know as the Plan of Conservation). Ms. Goodreau stated that starting work on the trail would require approvals and support of other commissions, such as the Planning & Zoning Commission, the Board of Selectmen and the Board of Finance.

THE COMMISSION REQUESTED THAT A MEMBER FROM THE WILLIMANTIC RIVER ALLIANCE ATTEND THE AUGUST 29, 2006 MEETING TO DISCUSS THE REQUEST.

V. ADMINISTRATIVE BUSINESS:

1. Connecticut Association of Conservation & Inland Wetlands Commissions, Inc. (CACIWC) Membership Dues

Reanna Goodreau asked if the commission would like to renew their CACIWC membership and if so, if they wanted to renew as a regular or sustaining member.

MOVED (AMSEL), SECONDED (NICKERSON) AND PASSED UNANIMOUSLY TO RENEW THE COMMISSION'S REGULAR MEMBERSHIP WITH CACIWC FOR FY 2006-2007.

2. Approval of the April 25, 2006 Meeting Minutes:

MOVED (AMSEL), SECONDED (MOODY) AND PASSED (ABSTAINED: HURLEY) TO APPROVE THE APRIL 25, 2006 MEETING MINUTES.

3. Correspondence:

- a. CT State of the Birds—Conserving Birds & Their Habitats

SO NOTED.

Commissioner Gage distributed a newsletter from the CT Chapter of the American Chestnut Foundation.

VI. ADJOURNMENT:

**MOVED (AMSEL), SECONDED (NICKERSON) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING AT 10:18 PM.**

Respectfully submitted,

Reanna Goodreau
Recording Secretary